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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,603	04/11/2001	Timothy J. Cooney	D-5045	1875

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EXAMINER

CHARLES, DEBRA F

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 05/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,603

Applicant(s)

COONEY ET AL.

Examiner

Debra F. Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,7. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Brockwell et al (5,063,506).

Re claim Claim 1:

Brockwell et al. discloses using a computerized process that includes databases from which aspects of the cost, provided best in class design, manufacturing practices, supply chain management techniques, labor rates, uptimes and yields are utilized, can be determined, see col. 2, line 67 - col. 3, line 52; generating reports from said computerized process that include details of each aspect of the cost, see col. 6, lines 19-27 and 63-68 and figure 12 and 14; providing the reports to prospective suppliers of the component or service, see col. 2, line 67 - col. 3, line 52; conducting discussions, with the prospective suppliers of the component or service, in an effort to gain concurrence on the fact basis of what the cost of the component or process ought to be, see col. 2, line 67 - col. 3, line 52; conducting fact based discussions, with prospective suppliers of the component or service with whom concurrence on the cost has been reached, in an effort to reach an agreement on what the price of the component or process will be to enable both the buyer and seller to prosper as world class businesses, see col. 2, line 67 - col. 3, line 52.

Re claim Claim 2:

Brockwell et al. discloses establishing databases of cost components for producing parts and services that will, when totaled, be what the cost of the part ought to be provided the best design, manufacturing practices, supply chain management techniques, labor rates, uptimes and yields are followed, see col. 2, line 67 - col. 3, line 52 and figure 1 (20); providing database interface for the database that will allow remote access by one or more users, see figure 1 (20); establishing a set of computer screens, including input fields into which cost components can be inputted either directly or through menus that display options from said database that can be selected, each screen concentrating on

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a cost area such as material, labor, capital, manufacturing and overhead, see col. 2, line 67 - col. 3, line 52 and figure 1 (16); totaling the inputted figures and rates for each screen, make any necessary calculations and store the subtotal for each screen, see col. 6, lines 19-27 and 63-68 and figures 12 and 14 and totaling all of said subtotals which is the ought to be cost of the part or service, see figures 12 and 14.

Re claim Claim 3:

Brockwell et al. further discloses printing out a report for a screen describing the components of the screen and the inputted amounts and the subtotal for the screen, see col. 6, lines 19-27 and 63-68 and figures 12 and 14.

Re claim Claim 4:

Brockwell et al. further discloses printing out a report for all screen describing the components of each screen, the inputted amounts for each component, the subtotal for each screen and a total of all screens, see col. 6, lines 19-27 and 63-68 and figures 12 and 14.

Re claim Claim 9:

Brockwell et al. discloses providing a computer program that can interface with a database, said computer program being available on a network that will allow remote access by one or more users, see col. 2, line 67 - col. 3, line 52 and figure 1; establishing a database that interfaces with said computer program, the database containing fact based cost components that are needed to calculate what the cost ought to be provided the best design, manufacturing practices, supply chain management techniques, labor rates, uptimes and yield are followed, see col. 2, line 67 - col. 3, line 52 and figure 1; establishing a set of computer screens for said computer program including input fields into which component cost can be inputted and menus that display options of component cost from said database, each screen concentrating on a cost area such as material, labor capital, manufacturing and overhead, see col. 6, lines 19-27 and 63-68 and figures 12 and 14; providing said computer program with the capability to total all inputted cost components, make any necessary calculations and store the subtotal for each screen, see col. 6, lines 19-27 and 63-68 and figures 12 and 14; and providing said computer program with the capability to total all of said subtotals which is the ought-to-be cost of the part or service, see col. 6, lines 19-27 and 63-68 and figures 12 and 14.

Re claim Claim 10:

Brockwell et al. further discloses printing out a report for a screen describing the components of the screen and the inputted amounts and the subtotal for the screen, see col. 6, lines 19-27 and 63-68 and figures 12 and 14.

Re claim Claim 11:

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Brockwell et al. further discloses printing out a report for all screen describing the components of each screen, the inputted amounts for each component, the subtotal for each screen and a total of all screens, see col. 6, lines 19-27 and 63-68 and figures 12 and 14.

3. Claims 5-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Foley (5,249,120).

Re claim Claim 5:

Foley discloses a computer program that, has fields into which cost data can be manually entered, can interface with a database or databases and can be accessed by one or more users, said computer program being programmed to perform computations on data that has been imputed manually or from a database, see col. 3, lines 25-27, col. 6, lines 26-48 and 56-68, col. 7, lines 18-32, col. 12, lines 55-57, and col. 14, lines 48-63;

a database, that can interface with said computer program containing component costs for parts, see col. 3, lines 25-27, col. 6, lines 26-48 and 56-68, col. 7, lines 18-32, col. 12, lines 55-57, and col. 14, lines 48-63;

a set of computer screens for said computer program including input fields into which cost components can be inputted and menus that display list of cost components from said database that can be selected, each screen concentrating on a cost area such as material, labor capital, machining or overhead, see col. 3, lines 25-27, col. 6, lines 26-48 and 56-68, col. 7, lines 18-32, col. 12, lines 55-57, and col. 14, lines 48-63;

said computer program having the capability to total all of said subtotals which is the ought to be cost of the part or service, see col. 3, lines 25-27.

Re claim Claim 6.

Foley further discloses the computer program has the capability to print out a report for a screen describing the components of the screen, the inputted amounts and the subtotal for the screen, see figures 8-10, 12, 16, 17A-B, 19-22.

Re claim Claim 7.

Foley further discloses the computer program has the capability to print out a report for all screens describing the components of each screen, the inputted amounts and the subtotal for all screens, see figures 8-10, 12, 16, 17A-B, 19-22.

Re claim Claim 8.

Foley discloses identifying and quantifying the cast components of a part or step of a process that. when totaled, determine what the cost of the part or process ought to be provided the best design, manufacturing practices, supply chain management techniques, labor rates, uptimes and yields are followed, see col. 3, lines 25-27, col. 6, lines 26-48 and 56-68, col. 7, lines 18-32, col. 12, lines 55-57, and col. 14, lines 48-63;

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inputting into the computer all cost components that are necessary to determine what the cost ought to be for each component of the part or step of the process, see col. 3, lines 25-27, col. 6, lines 26-48 and 56-68, col. 7, lines 18-32, col. 12, lines 55-57, and col. 14, lines 48-63;

totaling all cost components and making all necessary calculations for each part or step in a process and recording this as a subtotal, see col. 3, lines 25-27, col. 6, lines 26-48 and 56-68, col. 7, lines 18-32, col. 12, lines 55-57, and col. 14, lines 48-63;

totaling all of said subtotals, which is what the cost ought to be, for the part or process provided the best design, manufacturing practices, supply chain management techniques, labor rates, uptimes and yields are followed, see col. 3, lines 25-27, col. 6, lines 26-48 and 56-68, col. 7, lines 18-32, col. 12, lines 55-57, and col. 14, lines 48-63; outputting from the computer program a report that specifies the cost of each part or process and how each component of this cost was established, see col. 3, lines 25-27, col. 6, lines 26-48 and 56-68, col. 7, lines 18-32, col. 12, lines 55-57, and col. 14, lines 48-63;

utilizing this report in cost driven discussions with a supplier to obtain an agreement with the supplier to provide parts or services at a price that is based on the ought-to-be cost, see col. 3, lines 25-27, col. 6, lines 26-48 and 56-68, col. 7, lines 18-32, col. 12, lines 55-57, and col. 14, lines 48-63.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bob Deierlein, "Manage with facts – cost analysis means good decisions", Fleet Equipment, Lincolnwood, April 2000. Discloses maintenance costs and frequency of repair statistics highlight changes in vehicle specs, maintenance practices and/or technical training.

Joseph T. Kammerer, "Notes from the: Deputy Assistant Secretary, Cost & Economics", Air Force Comptroller, Washington, April 2000. Discloses Air Force Cost Analysis Agency has been researching ways to better integrate the needs of customers with the tools used and the data available to perform estimates.

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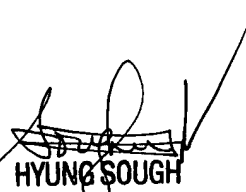
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Debra F. Charles
Examiner
Art Unit 3628

DFC
May 6, 2003


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
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